

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**September 10, 2001**

**C034813      CITY OF STOCKTON v. ALBERT BROCCINI FARMS, INC.      (Certified for Publication)**

The judgment is modified at line 9 on page 6 by striking the period and adding the following to the end of the sentence: “, such interest to be fully offset pursuant to Code of Civil Procedure section 1268.330, subdivision (a), by the equivalent value of possession during the period Broccini occupied the land.” As modified, the judgment is affirmed. Although a close question exists whether we should “otherwise order [ ],” under compulsion of section 1268.720 the defendant shall recover costs of appeal. (CERTIFIED FOR PUBLICATION.)

DAVIS, J.

We concur:    Sims, Acting P.J.  
                 Morrison, J.

**September 11, 2001**

**C031377      THE PEOPLE v. WILLIAMS      (Not for Publication)**

The conviction and special findings are affirmed, the sentences in counts two and three are vacated, and the cause remanded for resentencing on counts two and three.

CALLAHAN, J.

We concur:    Nicholson, Acting P.J.  
                 Raye, J.

**C031857      THE PEOPLE v. ALVIREZ      (Not for Publication)**

The judgment is affirmed.

BLEASE, Acting P.J.

We concur:    Nicholson, J.  
                 Raye, J.

**C037857      THE PEOPLE v. RIGNEY      (Not for Publication)**

The judgment is affirmed.

SCOTLAND, P.J.

We concur:    Davis, J.  
                 Morrison, J.

**C037972      THE PEOPLE v. MCKEAN      (Not for Publication)**

The judgment is affirmed.

SCOTLAND, P.J.

We concur:    Davis, J.  
                 Morrison, J.

**COURT OF APPEAL  
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**The Minutes**

**September 12, 2001**

**C038104      THE PEOPLE v. HOLLOWAY      (Not for Publication)**

The judgment is affirmed.

SIMS, J.

We concur:    Blease, Acting P.J.

Raye, J.

**C038151      THE PEOPLE v. ALLEN      (Not for Publication)**

The judgment is modified to provide for restitution of \$452.70 pursuant to section 1202.4, subdivision (f), of which \$220, plus interest at 10 percent per annum, shall be paid to victim Chun Jones and \$232.70 shall be paid to the restitution fund.

The judgment is further modified to provide for total presentence credits of 150 days (131 days actual presentence custody plus 19 days presentence good conduct).

In all other respects the judgment is affirmed.

The matter is remanded to the trial court solely for the preparation of an amended abstract of judgment, which shall accurately reflect the modifications to the judgment and the required corrections to the original abstract of judgment, as follows:

Item 5.c of the amended abstract shall reflect restitution of \$452.70 pursuant to section 1202.4, subdivision (f), with the boxes for "victim(s)" and "Restitution Fund" both checked. Item 7, "Other orders," shall provide for payment to Jones of \$220 plus 10 percent interest per annum, and for payment to the restitution fund of \$232.70. The box providing for interest under item 5.c. (2) shall be checked and the amount of 10 percent shall be specified.

The amended abstract of judgment shall also reflect total presentence credits of 150 days (131 for actual local time plus 19 local conduct credits). The section 2933.1 box (not the section 4019 box) shall be checked.

The trial court is ordered to send a certified copy of the amended abstract of judgment to the Department of Corrections.

RAYE, J.

We concur:    Blease, Acting P.J.

Sims, J.

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STATE OF CALIFORNIA  
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**The Minutes**

**September 12, 2001, continued**

- C038325      THE PEOPLE v. GARRY      (Not for Publication)**  
The judgment is affirmed.  
   NICHOLSON, J.  
We concur:      Blease, Acting P.J.  
   Sims, J.
- C034725      CAIN et al. v. PORTER      (Not for Publication)**  
The trial court's order granting a new trial is affirmed. The trial court's order denying judgment notwithstanding a verdict is also affirmed. In all other respects, plaintiffs' appeal is dismissed. The parties shall bear their own costs on appeal.  
   NICHOLSON, J.  
We concur:      Sims, Acting P.J.  
   Kolkey, J.
- C035775      FUKUDA v. CITY OF ANGELS      (Not for Publication)**  
The judgment is affirmed.  
   RAYE, J.  
We concur:      Scotland, P.J.  
   Callahan, J.
- C037877      In re CEDDRICK H.; DEPARTMENT OF HEALTH AND HUMAN SERVICES v. ERNEST H.      (Not for Publication)**  
The juvenile court's order is affirmed.  
   NICHOLSON, J.  
We concur:      Blease, Acting P.J.  
   Raye, J.

**September 13, 2001**

- C033980      THE PEOPLE v. HACKNEY      (Not for Publication)**  
The judgment is reversed and the matter remanded to the trial court to hear and consider defendant's complaints regarding his trial attorney's ineffectiveness, to exercise its discretion on whether to appoint new counsel to prepare a new trial motion, and, if so warranted, to appoint new counsel and determine the merit of a new trial motion. If the trial court does not find adequate grounds to pursue a new trial motion, or, if it does find such grounds but determines the motion lacks merit, it shall reinstate the original judgment.  
   NICHOLSON, J.  
We concur:      Scotland, P.J.  
   Morrison, J.

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**The Minutes**

**September 13, 2001, continued**

- C034469      THE PEOPLE v. HOWARD      (Not for Publication)**  
The judgment is affirmed. The trial court is directed to amend the abstract to reflect the imposition of sentence on counts nine, ten and eleven was stayed and to send an amended abstract to the Department of Corrections.  
BLEASE, Acting P.J.  
We concur:    Nicholson, J.  
                 Raye, J.
- C036416      THE PEOPLE v. PARKER      (Not for Publication)**  
The judgment is modified to add one day of presentence credit, for a total of 340 days. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy of the amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.  
BLEASE, Acting P.J.  
We concur:    Raye, J.  
                 Morrison, J.
- C036539      THE PEOPLE v. YOUNG      (Certified for Partial Publication)**  
The judgment is affirmed. (CERTIFIED FOR PARTIAL PUBLICATION.)  
SIMS, Acting P.J.  
We concur:    Davis, J.  
                 Morrison, J.
- C036794      THE PEOPLE v. DiGRAZIA      (Not for Publication)**  
The judgment is affirmed.  
SIMS, J.  
We concur:    Blease, Acting P.J.  
                 Raye, J.

**September 14, 2001**

- C032820      THE PEOPLE v. DRULLARD      (Not for Publication)**  
The judgment is affirmed.  
NICHOLSON, Acting P.J.  
We concur:    Callahan, J.  
                 Hull, J.
- C038188      THE PEOPLE v. BOTTLEY      (Not for Publication)**  
The judgment is affirmed.  
SCOTLAND, P.J.  
We concur:    Sims, J.  
                 Morrison, J.

**COURT OF APPEAL  
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**The Minutes**

**September 14, 2001, continued**

**C034619      SIMMONS et al. v. ALLSTATE INSURANCE COMPANY**  
**(Not for Publication)**

The order appealed from is affirmed. The cause is remanded to the trial court to award reasonable attorney fees to Allstate for this appeal. Allstate shall recover costs.

CALLAHAN, J.

We concur:    Nicholson, Acting P.J.  
                 Raye, J.

**C036177      BARRAGAN v. U.S. PUMICE**  
**(Not for Publication)**

The judgment is affirmed.

CALLAHAN, J.

We concur:    Blease, Acting P.J.  
                 Sims, J.